

BOARD OF ADJUSTMENT REPORT



MEETING DATE: 10/4/2006

ITEM NO. _____

ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT
**Montessori Academy
(10-BA-2006)**

REQUEST
Request a variance from Article V. Section 5.1303.A.1.c.(2) regarding lot area.

OWNER
Newcomb-lewis, L L C
480-216-3507

APPLICANT CONTACT
Juli Lewis
Montessori Academy
480-212-0460

LOCATION
3010 N 67th Pl



CODE ENFORCEMENT
ACTIVITY
No Code Enforcement activity has occurred on this case.

PUBLIC COMMENT
Neighboring properties have been notified of the Applicant's request. There have been no inquiries to City staff regarding the case. No homeowners' association exists in the neighborhood.

ZONE
The site is zoned C-1 (Neighborhood Commercial District). The C-1 district is intended to provide for convenience shopping and service establishments in a residential neighborhood.

ZONING/DEVELOPMENT
CONTEXT
The site is located within the 67-lot Oasis Plaza subdivision, approved April 20, 1962. Surrounding uses include:

North: A twenty (20) foot alley is directly adjacent to the northern property line of the lot with a commercial property, also zoned C-1 district, further north of the alley. General land uses to the north of the property are neighborhood commercial and multi-family residential.

East: 67th Place directly abuts the site to the east with additional commercial properties, zoned C-1 and S-R districts, between the subject site and 68th Street further to the east.

South: Additional commercial properties are located south of the subject property with a C-1 district zoned property

directly abutting the property to the south. Land use south of the subject property is neighborhood commercial. The existing school is approximately 150 feet south of the subject site.

West: The Oasis Mobile Home Park is directly west of the subject site. The property is zoned R-5 district. Further west of the mobile home park is a SRP administrative site also zoned R-5 district.

ORDINANCE
REQUIREMENTS

Article V. Section 5.1303.A.1.c.(2) states for private and charter schools, "Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than forty-three thousand (43,000) square feet (net)."

DISCUSSION

The requested variance is for a reduction in the minimum lot area requirement from 43,000 square feet to 5,600 square feet. The requested variance would allow the existing building to operate as a charter school in the C-1 district.

FINDINGS

- 1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The Applicant indicates that they are the only charter school in this district and area, providing an alternate education choice to residents in the area. In addition, the Applicant states that the majority of the lots in the surrounding area do not meet the minimum lot size requirement for a charter school thus forcing a non-conformance issue for any desired expansion of their existing facility in the area.

This and a majority of lots in the surrounding area were platted prior to the subject requirement being enacted. As is the case with a large number of lots in the southern area of the city, the small size of this lot and many of the lots in the area do not meet the minimum lot size requirements for a charter school. There are other locations in the city with this zoning district that meet the 43,000 square foot minimum lot area required for placement of a charter school.

- 2. That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

The Applicant has stated that the Montessori Academy purchased the additional property for the exclusive use of expansion of its main campus, located two lots to the south on two lots totaling approximately 22,700 square feet. The expansion is necessary to

provide for the increase in enrollment of students in the school and to provide greater services to its students.

Similar to other charter schools located in the city that have expanded recently to allow for increased capacity, the Applicant has chosen to expand their existing school by choosing a property near their current facilities. Alternatively, the school would need to find a location with the required 43,000 square foot area to expand its facilities.

3. That special circumstances were not created by the owner or applicant:

The Applicant states that despite initial desires to expand their facilities using abutting properties to the current location, cost and lack of cooperation prohibited them from expanding their existing school to adjoining properties. Thus, in order to provide adequate service for students at the school, while maintaining service in the area, the school had to choose a location that is substandard with regards to size.

As noted above, the subject property and surrounding area were platted during the late 1950s through the next decade. The requirements of private and charter schools were enacted on 10/07/97 resulting in several properties being inadvertently limited in development for this type of use. The subject site is in close proximity to the current school location, being separated by 150 feet and two lots. Thus, both campuses are intended to function as one campus that would amount to approximately 34,000 square feet total.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The Applicant indicates that the proposed school location will not be detrimental to properties in the area because all school activities will be conducted within the existing building and there will be no drop-off or pick-up of students at the proposed location. Students will be walking between the existing school site and the new site during various times of the day, but only under the supervision of an adult and only with prior authorization by parents and school faculty. Also, the Applicant has noted that there have never been any accidents or complaints from neighbors of the existing facility.

The Applicant's request does not require an expansion of the existing building at the subject location. In addition, the new location will provide additional parking for faculty and parents during school activities.

STAFF CONTACT

Brad Carr, Planner
Report Author
Phone: 480-312-7713
E-mail: bcarr@scottsdaleaz.gov

Tim Curtis, Principal Planner
Phone: 480-312-4210
E-mail: tcurtis@scottsdaleaz.gov

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-up
5. Zoning Map
6. Photographs
7. Proposed Site Plan
8. Existing Floor Plan

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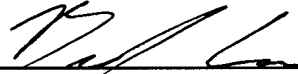
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Request for Expansion

4-18-06

Montessori Academy Business Offices
Newcomb-Lewis, LLC – Owner
3010 N 67th Place, Scottsdale

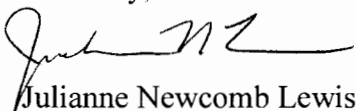
In April of 2005, we applied and received a building permit for our new wall on the above mentioned property. The existing use states: school. (Copy attached) I thought we were already “attached” to our existing school at 2928 N 67th Place (two businesses to the south). Apparently that is not the case and I apologize for this oversight.

This property houses our administration offices, conference room, teacher’s lounge, a newly created computer lab, an area for our middle school students to spread out their work, an expansion area for our special education teachers to work with students, and storage space. This property is also used for faculty and visitor parking. This building has a class A fire alarm system. Last spring the city also added school zone signs to keep our students safe.

Our school is a highly performing K-8 school in Scottsdale. We have approximately 100 charter students. Thirty of these students receive special education services. With the increase of special education students, we needed to provide additional space for our service providers, i.e. Speech Pathologist and Behavior Therapist, to work with individual and small groups of students outside the regular classroom. Additionally, our middle school students, twelve, needed more room to complete work and use newly acquired computers. Parents of our special education give verbal permission for their child to walk with the adult from the main campus to this building. All middle school students begin their school day at the main campus and have a signed field trip permission slip to walk, accompanied, to the north building in order to meet in small groups and work on computers. All students are dropped off and picked up at the main campus. There are never more than twenty students in the building at one time and typically only 0-15 on any given day. There is no playground at this site.

Use of this building is an extension of the existing school. Neighbors are very supportive and there have been no complaints. If you need more information, I will be happy to provide you with anything you need.

Sincerely,



Julianne Newcomb Lewis
Principal
Montessori Academy

Justification for Variance

1. **Special circumstances/conditions exist which do not apply to other properties in the district:** Montessori Academy is a highly performing charter school that opened in August of 2002. Prior to this, the school operated under the name of Villa Montessori, also a charter school. Montessori Academy serves approximately 100 students from kindergarten through eighth grade. Being a public school we also serve approximately 25 special needs students. We are the only school in this zoning district providing the citizens of Scottsdale school choice. We have an excellent reputation, a growing student body, and a student wait list. Due to the size requirement for charter schools, we are asking for a zoning variance on our additional building. Without this variance we cannot properly serve the citizens of our district.
2. **Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:** Montessori Academy purchased the additional property for the exclusive use of expansion of the main campus. This expansion was necessary to provide for the increase of enrolling students and to better accommodate our special needs students and their service providers. Without this variance the additional property is valueless to Montessori Academy and its students.
3. **Special circumstances were not created by owner or applicant:** As the demand for more space increased, Montessori Academy, in conjunction with Newcomb-Lewis, LLC, explored purchasing adjoining properties. This option, of course, would have been ideal for the school. However, due to prohibitive costs and refusal to sell, Montessori Academy had no option but to have Newcomb-Lewis, LLC purchase the additional building two building north of the main campus for purposes of expanding the school. The additional building is spacious enough to house our administrative office, conference room, teacher's room, specialist's room, computer lab, and classroom space for our Middle School students. It does not have a playground. However, it does offer more parking spaces for our teachers and parents. This building also has an approved Class A Fire Alarm system.

Since the purchase of the additional building, the City of Scottsdale has given no indication that Montessori Academy was in possible violation of zoning ordinance. On the contrary, The City of Scottsdale has on numerous occasions been aware of the building's use.

 - a. In September of 2003, we applied for and received a building permit to remodel the bathrooms in the additional building. The project name is listed as Montessori Academy. (Exhibit #1)
 - b. In April of 2005, we applied for and received a building permit for a new wall on the additional building. The permit indicates the existing use as "School". (Exhibit # 2)
 - c. Last Spring the City of Scottsdale, recognizing us as a school, erected school zone signs on our street to help keep our students safe.

- d. In 2006 the City of Scottsdale Fire Department approved the Class A Fire Alarm system installed in the additional building, knowing it was for Montessori Academy. (Exhibit # 3)

Montessori Academy has been consistently open with the City of Scottsdale in regards to its use of this additional building. Again, at no time did the City of Scottsdale put The Academy on notice of possible non-compliance.

4. **Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:** The Academy also notified the parents of Middle School students that students would be walking from the main campus to the rented facility throughout the school year, approximately August 15th – June 8th, and had parents sign a permission slip to walk there under adult supervision. All the parents are in complete support of using this building. Without the use of this additional building, the school would need to cancel contracts with families that have attended the school for years; it would also disrupt the services to many special needs students. There is no playground at the rented facility, nor are students picked up or dropped off at that location. There have NEVER been any accidents or neighbor complaints regarding students walking up the street or being in the building. In addition, all neighbors have been in complete support of The Academy using the additional building. (Exhibit #4) Granting us this variance will meet the increasing need for excellence in education and be in favor of the public's welfare and interests.



Q.S.
15-43

G.I.S. ORTHOPHOTO 2005

Montessori Academy

10-BA-2006

ATTACHMENT #3



Q.S.
15-43

G.I.S. ORTHOPHOTO 2005

Montessori Academy

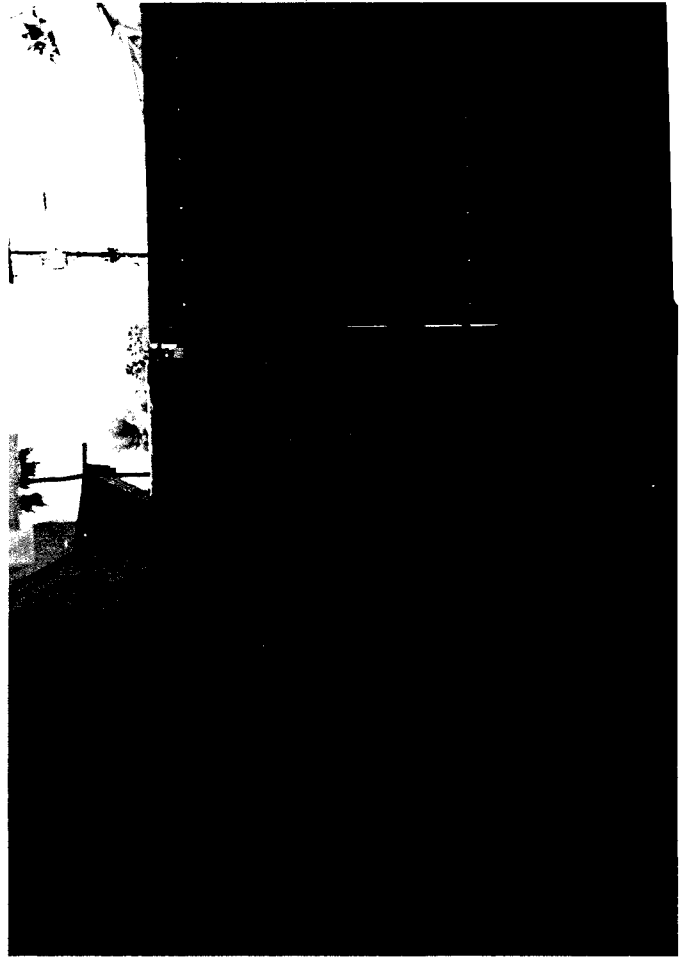
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ATTACHMENT #4

ATTACHMENT 5

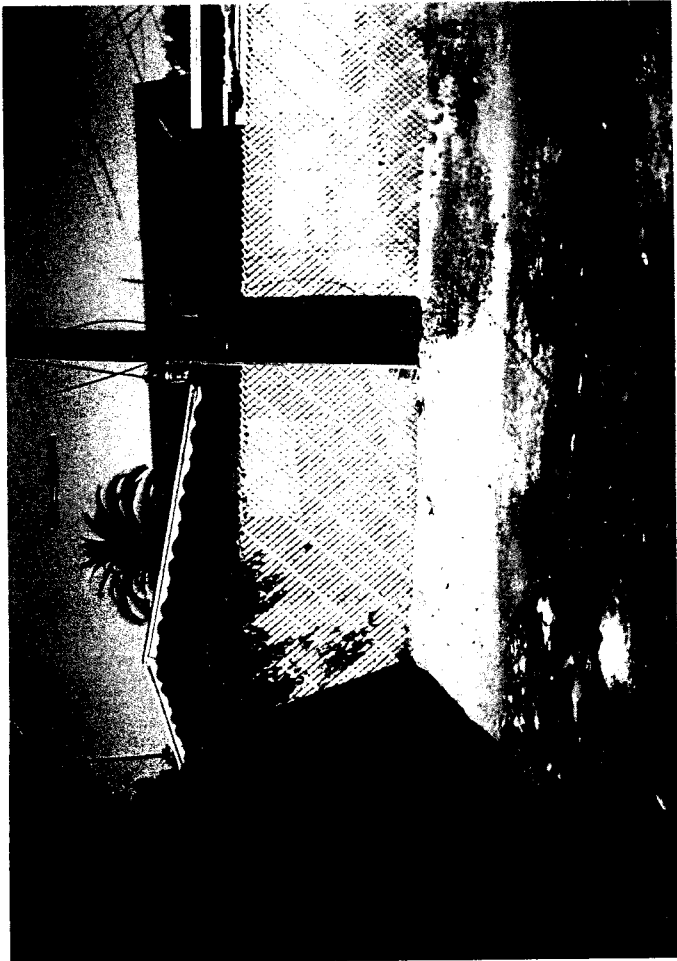


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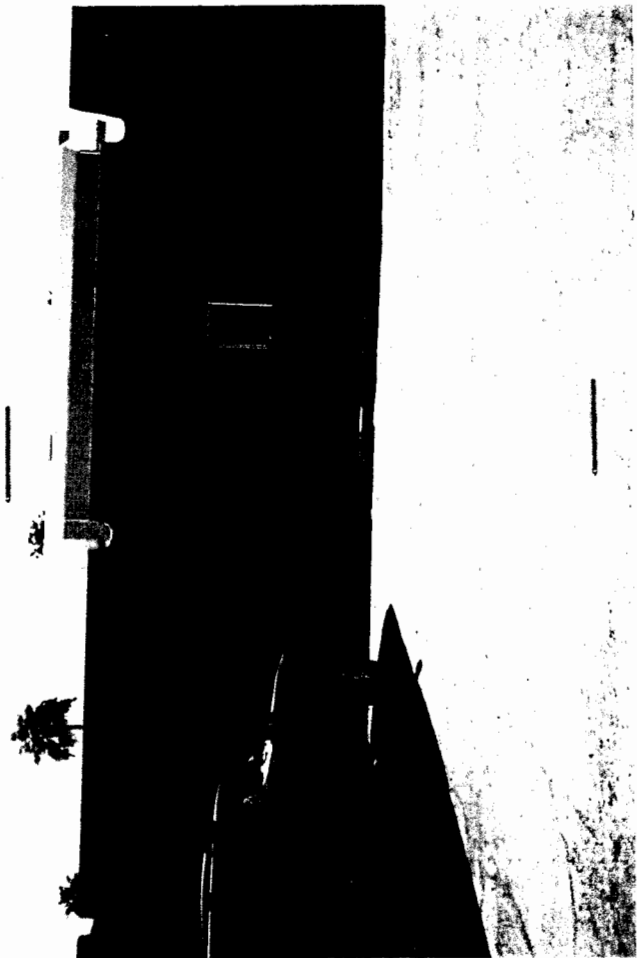


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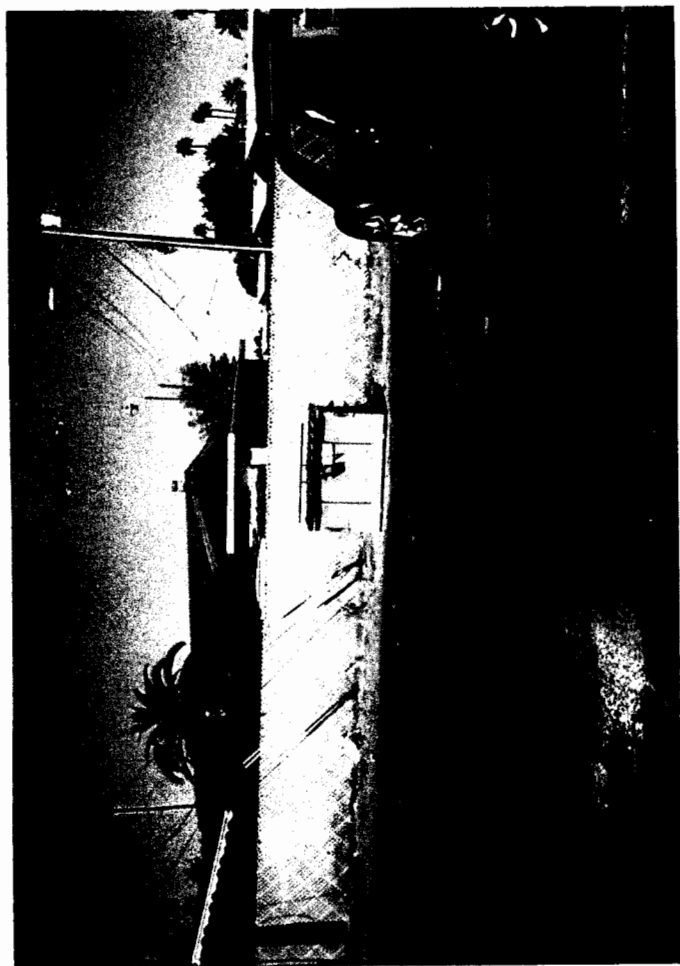
ATTACHMENT #6



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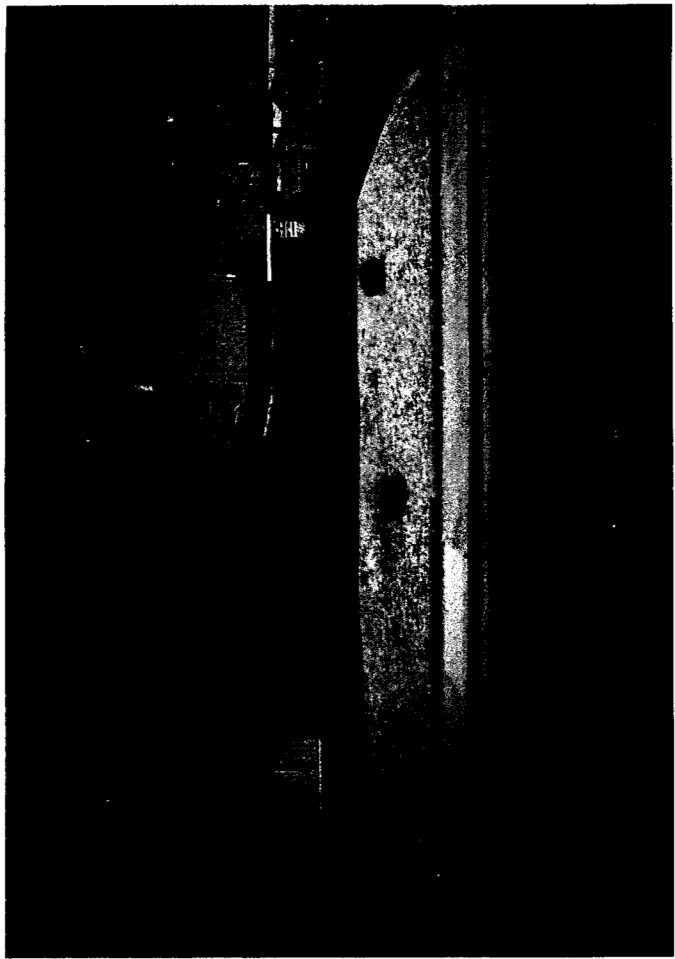
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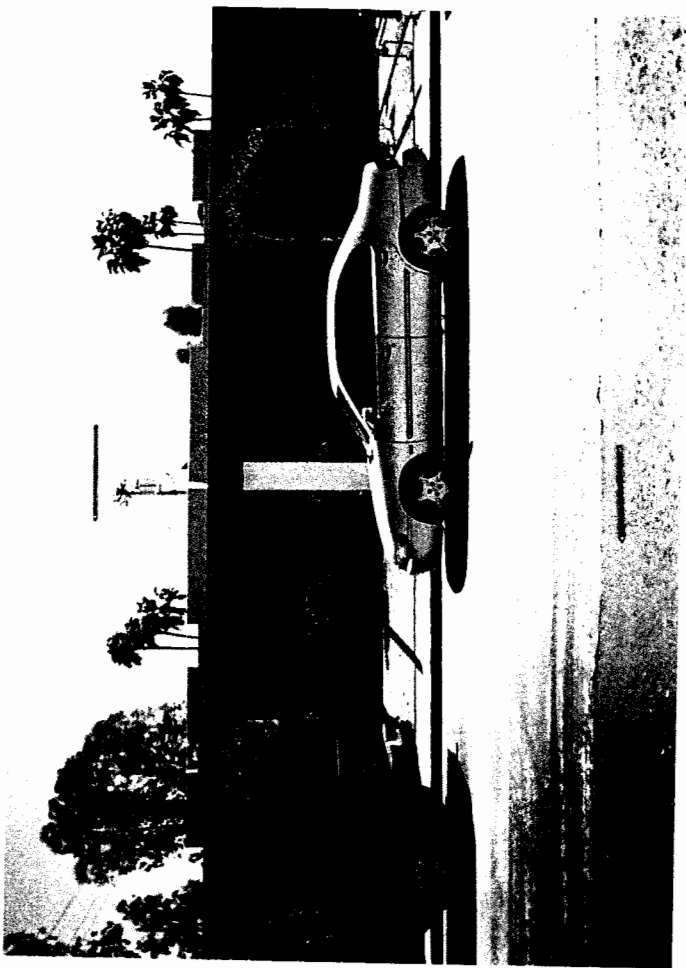
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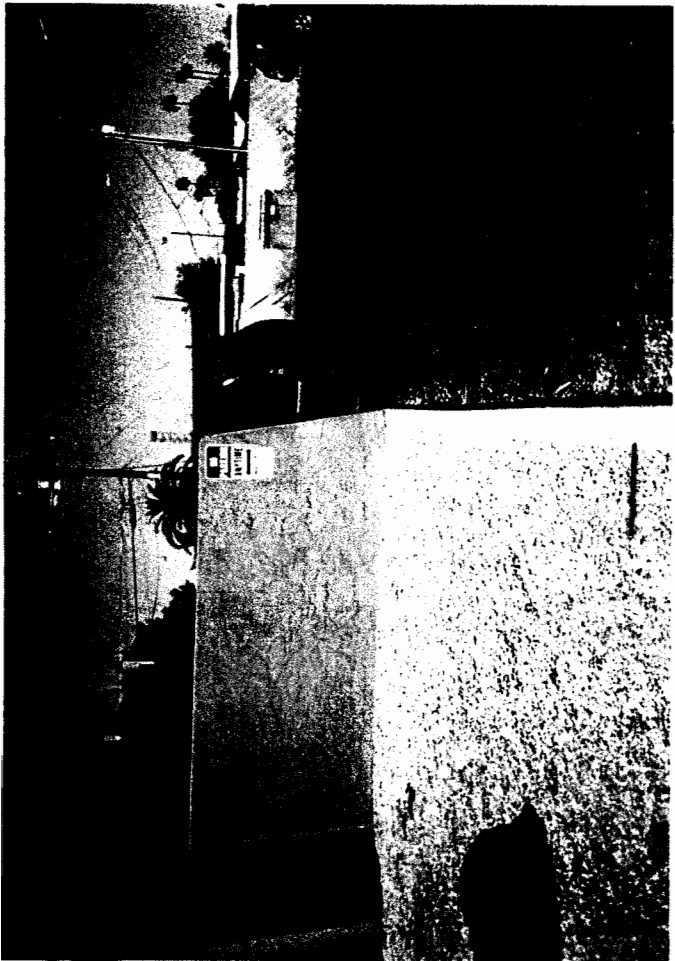
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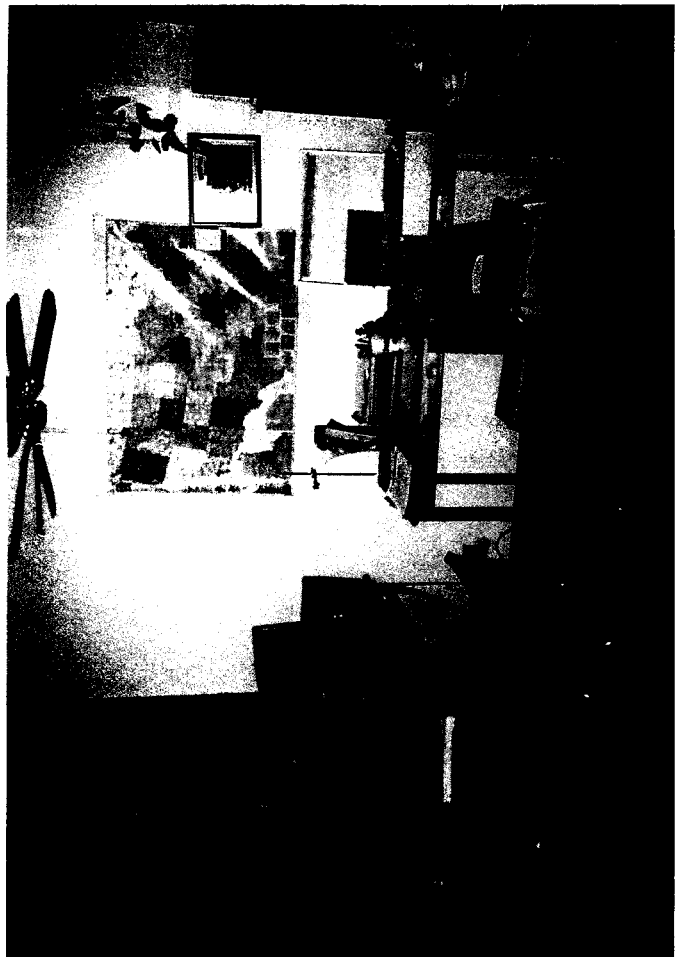
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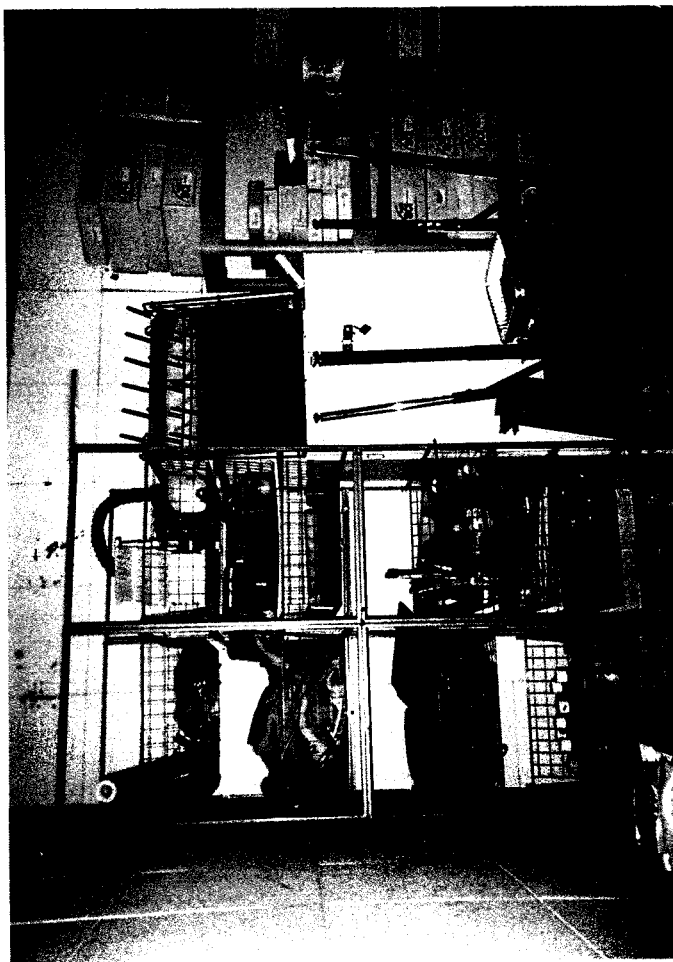
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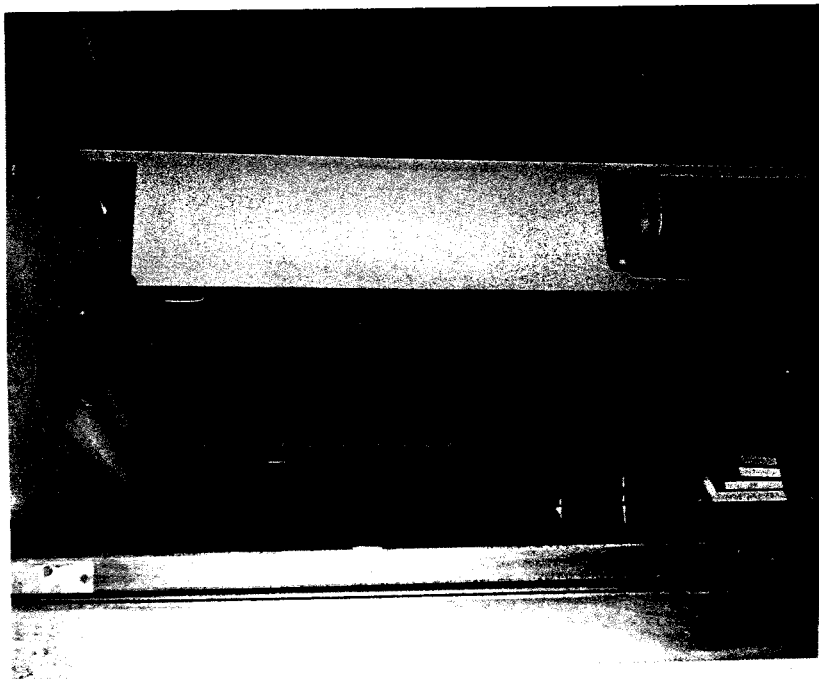
Inside 13



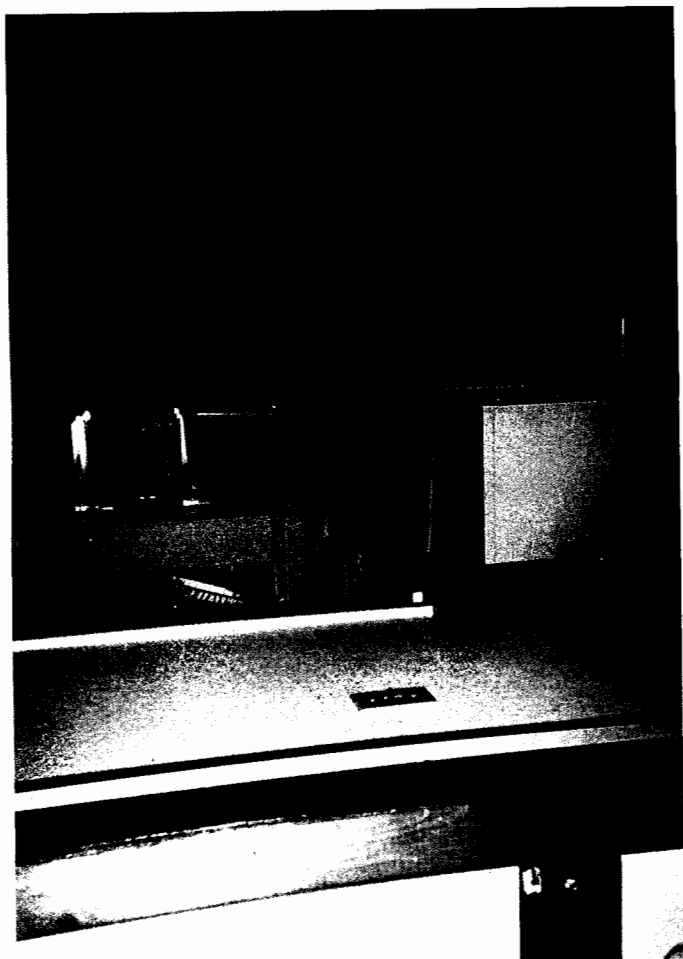
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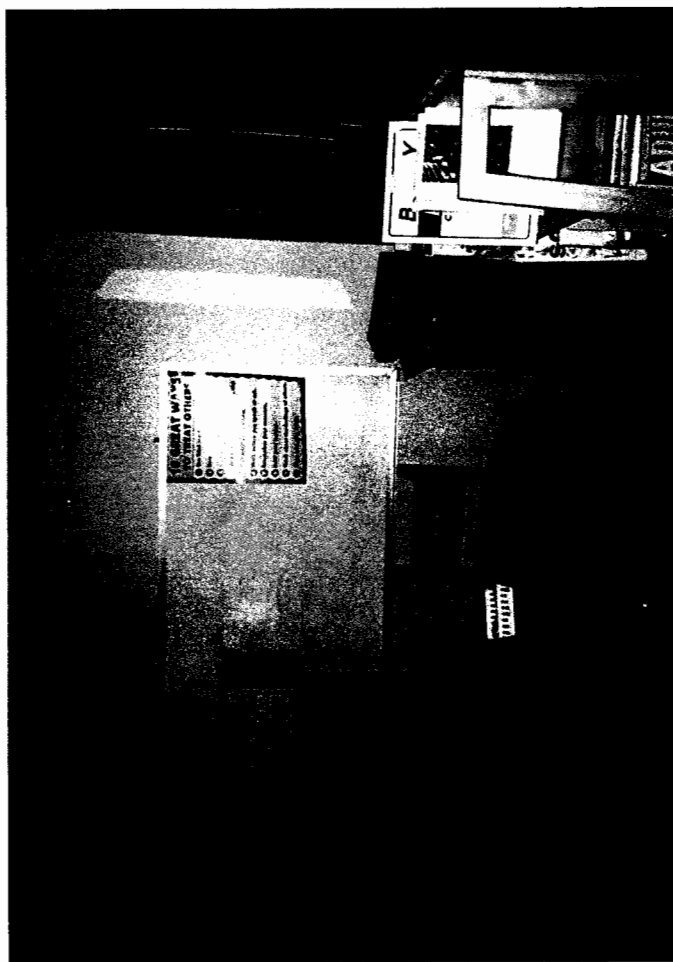
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inside
14



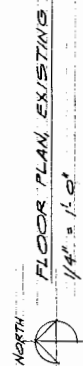
Inside 16



Inside 15

MONTESSORI ACADEMY BUILDING
3010 NORTH 6TH PLACE
SCOTTSDALE, ARIZONA 85251

DATE 9 APR 05	SCALE 1/4" = 1'-0"	DRAWN BY P.W.	NO 200.34.3	SHEET	A1FP	CL / SHEET
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ATTACHMENT #8